

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA


KEVIN MAURICE TENNIN,)	No. C 11-4362 JSW (PR)
)	
Plaintiff,)	ORDER OF DISMISSAL
)	
v.)	
)	
BLASE DEL, et al.,)	(Docket Nos. 44, 50)
)	
Defendants.)	

Plaintiff, a California prisoner, filed this pro se civil rights complaint under 42 U.S.C. § 1983. He has filed a motion to voluntarily dismiss the case. A plaintiff has the absolute right to dismiss his or her action by filing a notice of dismissal "at any time before service by the adverse party of an answer or of a motion for summary judgment." Fed. R. Civ. P. 41(a)(1). Neither an answer nor a motion for summary judgment have been filed. Accordingly, Plaintiff's request for voluntary dismissal is GRANTED and this case is DISMISSED without prejudice. Defendants' motion to dismiss (docket number 44) and Plaintiff's motion for an extension of time (docket number 50) are DENIED as moot.

The Clerk shall close the file and enter judgment.

IT IS SO ORDERED.

DATED: 08/21/2012



JEFFREY S. WHITE
United States District Judge